

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14 of 1998

with

SCA Nos.15, 16, 17, 18, 19, 20, 21, 22, and 23 of 1998.

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE and

MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SUO MOTU

Versus

DISHMAN PHARMACEUTICALS & CHEMICALS LTD

Appearance:

SUO MOTU for Petitioner
SINGHI & BUCH ASSO. for Respondent No. 1
MR MAULIN RAVAL for State.
MR HJ TRIVEDI for GPCB

CORAM : MR.JUSTICE S.D.DAVE and

MR.JUSTICE A.M.KAPADIA

Date of decision: 27/01/98

ORAL JUDGEMENT

These ten petitions arise because of our orders in SCA No. 8756 of 1997 dated 16.12.1997 under which we have said that looking to the reports, notices to the

industrial units should be issued.

Rule, service of which is waived by learned counsel Mr. Singhi for the industrial units, learned counsels Mr. Maulin Raval for the State and Mr. Trivedi for the GPCB. Petitions are taken for final hearing.

The present orders shall govern the disposal, therefore, of these ten petitions registered against the individual units to whom the notices have been issued and served. These units are being represented by learned counsel Mr. Singhi who appears for M/s. Singhi & Buch.

We have heard learned counsel Mr. Singhi for the individual units, learned counsel Mr. Maulin Raval for the State and learned counsel Mr. Trivedi for GPCB.

At the time of the issuance of the notices, a chart was before us. Learned counsel Mr. Singhi who appears on behalf of the industrial units heavily relies upon the chart and urges that all the industrial units who are before us, admittedly had no process which could have the gaseous emission. We will have to agree with the learned counsel appearing for the industrial units in this respect because the chart which came to be submitted and upon the basis of which the notices came to be issued, would go to show that all these respondents units had no gaseous emission at any time, which could have been taken note of in the chart.

We appreciate that there is some difficulty in the way of the industrial units. This position becomes clear from the column captioned as 'consent status'. It appears that for certain units there was the valid consent but later on the same has expired. Learned counsel Mr. Singhi says that necessary applications for the renewal of the consent have been made. It appears that a small number of the units had not applied for the consent, but now Mr. Singhi says that, in respect of these units also the consent applications have been presented before the appropriate authority and they are under process.

Anyhow, it is clear that these units who are the respondents before us in this batch of petitions, at no point of time, were found to be having gaseous emission during the process. In our opinion, therefore, the notices against these respondents units require to be discharged. Of course, with a view to take care of the environmental aspects, we shall have to issue appropriate directions to the respondents units and GPCB.

We, therefore, discharge the rule. We make it clear that the GPCB shall decide the consent proceedings original or the renewal as the case may be as early as possible. It is understood that if ultimately the units are not getting the consent under the relevant statute, it shall be their duty to close down their operation forthwith and to inform the GPCB accordingly.

The Rule in each of the petitions stands discharged. A copy of the present orders should be retained in SCA No. 8756 of 1997.

The liberty is reserved for the parties to approach this Court if the circumstances so demand in future.